

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNARCO MATERIAL HANDLING, INC.,

Plaintiff,

-against-

KINGWAY INCA CLYMER HOLDINGS, INC. and  
AMERICAN CAPITAL STRATEGIES, Ltd.,

Defendants.

**Filed Electronically**

08 CV 2394 (VM)

**NOTICE OF MOTION TO  
CONFIRM A FINAL  
ARBITRATION AWARD**

PLEASE TAKE NOTICE that, upon the Declaration of Paul Neal, sworn to on May 14, 2008, together with exhibits annexed thereto, Plaintiff Unarco Material Handling, Inc. will move this Court, before the Honorable Victor Marrero at the United States Courthouse, 500 Pearl Street, Room 660, New York, New York 10007, at a date and time to be determined by the Court, for an Order pursuant to the Federal Arbitration Act, 9 U.S.C. §§ 6, 9, and Sections 7601 and 7510 of the New York Civil Practice Law and Rules, confirming the final arbitration award dated February 12, 2008, and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b) of this Court, any opposing affidavits and answering memoranda shall be served within ten business days after service of the moving papers.

Dated: New York, New York  
May 14, 2008

CADWALADER, WICKERSHAM & TAFT LLP

By: /s/ Howard R. Hawkins, Jr.  
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